

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-SECOND LEGISLATURE

**TWENTY-SIXTH LEGISLATIVE DAY
FRIDAY, JANUARY 31, 2014**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 63 members present.

Absent – Anderson(01), Barbieri, Collins, Denney,
McMillan, Palmer, Rusche. Total – 7.

Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Sara Garcia, Page.

Approval of Journal

January 31, 2014

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-fifth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

Consideration of Messages from the Governor and the Senate

January 30, 2014

Mr. Speaker:

I transmit herewith enrolled [S 1210](#) for the signature of the Speaker.

NOVAK, Secretary

The Speaker announced he was about to sign enrolled [S 1210](#) and, when so signed, ordered it returned to the Senate.

January 30, 2014

Mr. Speaker:

I transmit herewith [SCR 133](#), [S 1245](#), [S 1220](#), and [S 1214](#) which have passed the Senate.

NOVAK, Secretary

[SCR 133](#), [S 1245](#), [S 1220](#), and [S 1214](#) were filed for first reading.

Report of Standing Committees

January 31, 2014

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 432](#), [H 433](#), [H 434](#), [H 435](#), and [H 436](#).

WILLS, Chairman

[H 432](#), [H 433](#), [H 434](#), [H 435](#), and [H 436](#) were referred to the Judiciary, Rules, and Administration Committee.

January 30, 2014

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration [H 389](#) and recommend that it do pass.

PALMER, Chairman

[H 389](#) was filed for second reading.

January 30, 2014

Mr. Speaker:

We, your COMMITTEE ON ENVIRONMENT, ENERGY, AND TECHNOLOGY, report that we have had under consideration [H 390](#), [H 391](#), [H 392](#), and [H 405](#) and recommend that they do pass.

RAYBOULD, Chairman

[H 390](#), [H 391](#), [H 392](#), and [H 405](#) were filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

Motions, Memorials, and Resolutions

HOUSE JOINT MEMORIAL NO. 4 BY AGRICULTURAL AFFAIRS COMMITTEE

A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES AND TO THE COMMISSIONER OF THE UNITED STATES FOOD AND DRUG ADMINISTRATION.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the Second Regular Session of the Sixty-second Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the Food Safety Modernization Act (FSMA) was approved by Congress in 2010 and signed into law in 2011; and

WHEREAS, the Food and Drug Administration (FDA) has issued proposed rules to implement FSMA; and

WHEREAS, the FDA's proposed Produce Rule would require that irrigation water used to grow over 200 varieties of fresh produce must meet numeric water quality standards for primary contact recreation; and

WHEREAS, the proposed rule would further require water users to test their irrigation water and immediately cease the use of irrigation water that does not meet the numeric water quality standards for primary contact recreation; and

WHEREAS, the proposed rule would further require water users to treat irrigation water so that it meets the required recreation standard, or to obtain an alternative irrigation water supply that meets the standard; and

WHEREAS, compliance with the proposed rule would be impossible or impractical throughout much of Idaho; and

WHEREAS, application of the proposed rule would eliminate many existing surface irrigation water supplies from continued use for the growing of fresh produce in Idaho.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-second Idaho Legislature, the House of Representatives and the Senate

concurring therein, that we oppose the FDA's proposed Produce Rule or the adoption of any numeric water quality standard for irrigation water.

BE IT FURTHER RESOLVED that we support the enactment of legislation by Congress to prohibit the FDA from adopting the proposed Produce Rule or any numeric water quality standard for irrigation water.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, the congressional delegation representing the State of Idaho in the Congress of the United States and the Commissioner of the United States Food and Drug Administration.

HJM 4 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

SCR 133, by Resources and Environment Committee, was introduced, read the first time by title, and referred to the Resources and Conservation Committee.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 437 BY LOCAL GOVERNMENT COMMITTEE AN ACT

RELATING TO LOCAL LAND USE PLANNING; AMENDING SECTION 67-6508, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE COMMUNITY DESIGN COMPONENT FOR COMPREHENSIVE PLANS AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 67-6511, IDAHO CODE, TO PROHIBIT REQUIRED ADHERENCE TO SPECIFIC EXTERIOR DESIGN AESTHETICS OR BEAUTIFICATION THAT EXCEED PUBLIC SAFETY REQUIREMENTS FOR COMMERCIAL OR INDUSTRIAL CONSTRUCTION USES, TO RESTRICT APPLICABILITY OF THE LIMITATION, TO PROVIDE THAT ORDINANCES MAY ESTABLISH CERTAIN STANDARDS FOR STRUCTURES WITHIN DESIGNATED HISTORICAL DISTRICTS AND TO PROVIDE THAT DESIGN STANDARDS SHALL BE CLEAR, ASCERTAINABLE AND NOT BASED UPON SUBJECTIVE CONSIDERATIONS.

H 437 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1245, by Finance Committee, was introduced, read the first time by title, and filed for second reading.

S 1220, by Resources and Environment Committee, was introduced, read the first time by title, and referred to the Resources and Conservation Committee.

S 1214, by Judiciary and Rules Committee, was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

H 354, **H 355**, and **H 356**, by Health and Welfare Committee, were read the second time by title and filed for third reading.

H 408, by Commerce and Human Resources Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

Mr. Loertscher asked unanimous consent that **H 368** be placed on General Orders for consideration. There being no objection it was so ordered.

H 406 - ENVIRONMENTAL QUALITY

H 406 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Monks to open debate.

The question being, "Shall **H 406** pass?"

Roll call resulted as follows:

AYES – Agidius, Anderson(31), Anderst, Andrus, Barrett, Bateman, Batt, Bell, Bolz, Boyle, Burgoyne, Chew, Clow, Crane, Dayley, DeMordaunt, Erpelding, Eskridge, Gannon, Gestrin, Gibbs, Hancey, Harris, Hartgen, Henderson, Hixon, Holtzclaw, Horman, Kauffman, King, Kloc, Loertscher, Luker, Malek, McDonald, Meline, Mendive, Miller, Monks, Morse, Moyle, Nielsen, Packer, Pence, Perry, Raybould, Ringo, Romrell, Rubel, Shepherd, Sims, Smith, Stevenson, Thompson, Trujillo, VanOrden, Vander Woude, Wood(27), Wood(35), Woodings, Youngblood, Mr. Speaker. Total – 62.

NAYS – None.

Absent – Anderson(01), Barbieri, Collins, Denney, McMillan, Palmer, Rusche, Wills. Total – 8.

Total – 70.

Whereupon the Speaker declared that **H 406** passed the House. Title was approved and the bill ordered transmitted to the Senate.

H 380 - HISTORICAL HORSE RACES

H 380 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Luker to open debate.

The question being, "Shall **H 380** pass?"

Roll call resulted as follows:

AYES – Andrus, Bateman, Batt, Bell, Boyle, Burgoyne, Crane, Dayley, DeMordaunt, Gannon, Harris, Holtzclaw, Loertscher, Luker, Mendive, Monks, Moyle, Nielsen, Packer, Palmer, Pence, Ringo, Shepherd, Sims, Stevenson, Trujillo, Vander Woude, Wood(35), Youngblood. Total – 29.

NAYS – Agidius, Anderson(31), Anderst, Barbieri, Barrett, Bolz, Chew, Clow, Erpelding, Eskridge, Gestrin, Gibbs, Hancey, Hartgen, Henderson, Hixon, Horman, Kauffman, King, Kloc, Malek, McDonald, Meline, Miller, Morse, Perry, Raybould, Romrell, Rubel, Rusche, Smith, Thompson, VanOrden, Wood(27), Woodings, Mr. Speaker. Total – 36.

Absent – Anderson(01), Collins, Denney, McMillan, Wills. Total – 5.

Paired Votes:

AYE – Gannon

NAY – Rusche

AYE – Crane

NAY – Barbieri

AYE – Palmer

NAY – Agidius

(Pairs enumerated in roll call above.)

Total – 70.

Whereupon the Speaker declared that [H 380](#) failed to pass the House and ordered the bill filed in the office of the Chief Clerk.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11 a.m., Monday, February 3, 2014. Seconded by Mr. Burgoyne. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:44 a.m.

SCOTT BEDKE, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk